

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DAVID D. DESERRE, SR.  
individually and on behalf  
of all others similarly situated,

Plaintiff,

Case No. 3:09-cv-422

v.

WALTCO, INC.

Defendant.

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JOINT NOTICE OF SETTLEMENT AND MOTION TO STAY PRE-TRIAL AND  
TRIAL DEADLINES PENDING SETTLEMENT APPROVAL

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WHEREAS the Plaintiff, David DeSerre, individually and on behalf of the members of the putative classes, and Defendant, Walco, Inc., by and through their undersigned counsel, reached a settlement of the Plaintiff and putative class members' claims through negotiations completed on October 1, 2009;

WHEREAS the parties have entered into a stipulation seeking conditional certification of this action pursuant to 29 USC § 216(b) in connection with this settlement, and under the terms of said stipulation the parties will have twenty (20) days from the date this Court approves the Parties Joint Stipulation for Conditional Class Certification to complete mailing of the FLSA Notice and individuals will have a period of forty-five (45) days to opt into this action after the date of mailing;

WHEREAS the Parties have entered into a stipulation seeking class certification pursuant to Fed. R. Civ. P. 23 in connection with this settlement, and under the terms of said stipulation the parties will have twenty (20) days from the date this Court approves the Parties Joint Stipulation for Class Certification Pursuant to Fed. R. Civ. P. 23 to complete mailing of the Rule 23 Notice and individuals will have a period of forty-five (45) days to opt-out of the Rule 23 Class after the date of mailing;

WHEREAS the Parties agree to finalize the terms of this settlement into a settlement agreement to be filed with the court in conjunction with their Joint Motion for Preliminary Approval of Settlement at the close of the opt-in and opt-out periods of the above mentioned classes;

**WHEREFORE**, the Parties respectfully request that the Court:

Stay all pre-trial and trial deadlines in this action pending any decision the Court renders regarding the Parties Joint Motion for Settlement Approval.

Dated this 2nd day of October 2009.

**HAWKS QUINDEL, S.C.**

Attorneys for Plaintiff and putative class members

By: /s/ William E. Parsons

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Dated this 2nd day of October 2009.

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Attorneys for Defendant

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PROPOSED ORDER

IT IS ORDERED THAT all pre-trial and trial deadlines in this action are staying pending the Court's decision on the Parties Joint Motion for Settlement Approval.

Entered this 5<sup>th</sup> day of October, 2009

BY THE COURT:

Barbara B. Crabb  
Barbara B. Crabb  
District Judge